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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,598	04/13/2001	Bruce Willins	1089	4259
7590	09/21/2004		EXAMINER	SONG, HOSUK
Daniel R. McGlynn Symbol Technologies, Inc. One Symbol Plaza, MS-A-6 Holtsville, NY 11742			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/834,598	WILLINS ET AL.
	Examiner	Art Unit
	Hosuk Song	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 April 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 4/13/2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomko et al(US 5,712,912).

Claim 1: Tomko disclose a semiconductor package in (col.3,lines 57-65). Tomko disclose a cryptographic processor disposed in the semiconductor package, the processor including a biometric data capture device operative to acquire to data associated with predetermined biometric characteristic of a user and store it as a biometric key in (col.3,lines 42-56;col.4,lines 3-16). Tomko disclose encryption/decryption circuit operative to perform encryption or decryption circuit on input data utilizing biometric key in (col.3,lines 45-51 and col.4,lines 19-23).

Claim 2: Tomko disclose stored biometric key is encrypted data in (col.10,lines 5-11).

Claim 3: Tomko disclose biometric data capture circuit performs an encryption operation on the same source biometric data to produce encrypted source data in (col.3,lines 43-51).

Claim 4; Tomko disclose processing unit compares the encrypted source data with the stored biometric key in (col.4,lines col.5,lines 6-17).

Claim 5: Tomko disclose source biometric data is a fingerprint in (col.4,lines 1-5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomko et al(US 5,712,912) in view of Sehr(US 6,085,976).

Claim 6: Tomko disclose a cryptographic processor disposed in the semiconductor package, the processor including a biometric data capture device operative to acquire to data associated with predetermined biometric characteristic of a user and store it as a biometric key in (col.3,lines 42-56;col.4,lines 3-16;col.6,lines 24-35 ). Tomko disclose encryption/decryption circuit operative to perform encryption or decryption circuit on input data utilizing biometric key in (col.3,lines 45-51 and col.4,lines 19-23). Tomko does not discloses a hand-held housing and a wireless RF transceiver in the housing to transmit and receive data over a wireless communications channel. Sehr discloses handheld housing in (col.6,lines 16-21,37-38). Sehr does not specifically disclose a wireless RF transceiver. Examiner takes Official notice that wireless RF transceiver is well known in the art. One of ordinary skill in the art would have been motivated to use a wires RF transceiver in order to conveniently perform transaction at any locations without user wire tether to one fixed location.

Claim 7: Tomko disclose stored biometric key is encrypted data in (col.10,lines 5-11).

Claim 8: Tomko disclose biometric capture circuit performs an encryption operation on the source biometric data to produce an encryption key in (col.3,lines 43-51).

Claim 9: Tomko disclose processing unit utilizes the stored biometric key with a cryptographic algorithm in (col.6,lines 44-52).

Claim 10: Tomko disclose source biometric data is a fingerprint in (col.4,lines 1-5).

4. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomko et al(US 5,712,912) in view of Scott(US 6,484,260).

Claim 11: Tomko disclose a security protocol program executed in the cryptographic processor and verification of a stored encrypted biometric key in cryptographic processor in (col.3,lines 42-56 and col.4,lines 19-23). Tomko does not specifically disclose mobile computer including a cryptographic processor and a wireless RF transceiver. Scott disclose mobile computer including a cryptographic processor and a wireless RF transceiver in (col.2,lines 15-21;col.7,lines 35-42 and fig.1). It would have been obvious to person of ordinary skill in the art at the time invention was made to include wireless RF transceiver as taught in Scott with fingerprint device disclosed in Tomko because in order for user to conveniently conduct transaction at any location without wires thus providing portability and flexibility to the user.

Claims 12-13: Tomko disclose cryptographic processor includes a biometric data capture device and a encryption/decryption circuit operative to perform encryption or decryption on input data to the processor utilizing biometric key in (col.3,lines 43-51;col.10,lines 5-11).

Claim 14: Tomko disclose processor performs an encryption operation on the source biometric data to produce encrypted source biometric data which is stored as biometric key in (col.3,lines 43-51;col.10,lines 5-11).

Claim 15: Tomko disclose processor compares the encrypted source biometric data with the biometric data of the current user in (col.4,lines col.5,lines 6-17). Tomko does not specifically disclose mobile computer. Motivation for employing mobile computer addressed in claim 11 rejection.

Claim 16: Tomko disclose source biometric data is a fingerprint in (col.4,lines 1-5).

Claim 17: Tomko disclose authentication server connected to the wired local area network in (col.4,lines 17-28 and fig.1b).

Claim 18: Tomko does not specifically disclose RF MAC levels. Official notice is taken that RF MAC levels are well known in the art. One of ordinary skill in the art would have been motivated to employ RF MAC levels for further enhancing data security.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recite "biometric key is encrypted biometric data from an authorized user....". It is unclear as to how biometric data is related to encrypted biometric key. For purpose of examination, examiner will assume encrypted biometric key is derived from biometric data  
Please revise the claim language.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

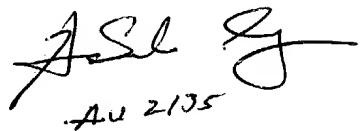
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

\*\* Please note of following changes starting 10/25/2004\*\*.

- a) New telephone number for TC 2100 receptionist is 571-272-2100.
- b) New contact number for Examiner is 571-272-3857
- c) New contact number for Examiner's supervisor is 571-272-3859.

HS

  
A handwritten signature in black ink, appearing to read "HS". Below the signature, the date "Au 2/05" is handwritten.